

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**T.B., (a minor child) Individually, and
T.B., through her Guardian and Father,
MICHAEL BALKCOM, and MICHAEL
BALKCOM, as Father of T.B.,**

Plaintiffs,

v.

**BIBB COUNTY BOARD OF
EDUCATION, BIBB COUNTY
SCHOOL DISTRICT; IKEIA
PHILLIPS; KHORIANDRE WATKINS
WARE; ETHEL MARIE BROWN
GLOVER; JOHN DOE and JANE DOE,**

Defendants.

Civil Action No. 5:10-CV-186

**CONSENT ORDER REGARDING
DISCLOSURE OF EDUCATION RECORDS**

This matter came before the Court on the parties' Consent Motion for Disclosure of Education Records. Having considered the motion and all other matters of record, and for good cause shown,

IT IS HEREBY ORDERED that the Bibb County School District and Board of Public Education for Bibb County (incorrectly named the Bibb County Board of Education) (hereinafter "School District") shall produce any academic, disciplinary, criminal or special education records regarding Defendant Phillips.

The School District shall redact from these records all social security numbers and birth dates and it shall not produce any medical records. With these limitations, the Court finds that the records sought by the parties are highly relevant and only minimally implicate the privacy

interests of the Defendant Phillips such that their production under the Family Educational Rights and Privacy Act (“FERPA”) is appropriate. *A.B. v. Clarke County Sch. Dist.*, No. 3:08-CV-041(CDL), 2009 WL 902038 (M.D. Ga. Mar. 30, 2009); *Ragusa v. Malverne Union Free Sch. Dist.*, 549 F. Supp. 2d 288 (E.D.N.Y. 2008); *Dauids v. Cedar Falls Cmty. Schs.*, No. C96-2071, 1998 WL 34112767 (N.D. Iowa Oct. 28, 1998).

To further protect the privacy interests of the students, the parties’ use of and access to these records is subject to the following conditions:

1. use of these records will be limited to this case;
2. access to these records will be limited to the parties, their attorneys, their attorneys’ staff, and their expert witnesses;
3. these records will be photocopied only for use by the persons listed in condition no. 2 and at depositions, as exhibits for filings, or as exhibits at trial;
4. these records, if used as exhibits, will be filed under seal; and
5. all of these records (and all permitted photocopies) will be returned to the School District at the conclusion of this case.

Prior to producing these records, the School District must make a reasonable effort to notify Defendant Phillips (who is over 18 years of age) of the impending disclosure, as required by FERPA. *See* 20 U.S.C. § 1232g(b)(2)(B); 34 C.F.R. § 99.31(a)(9). The School District shall provide such notification promptly upon the entry of this Order.

SO ORDERED, this 4th day of October, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

Prepared by:

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Consented to and filed with permission:

/s/ Charles R. Adams III
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